



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

PUBLIC NOTICE OF APPLICATION for
STATE OF WASHINGTON WATER QUALITY CERTIFICATION
and COASTAL ZONE MANAGEMENT ACT CONSISTENCY

July 22, 2005

NOTE: A public notice was originally circulated by the U.S. Army Corps of Engineers (Corps) under Reference #200201251 on September 24, 2004. The project was withdrawn and re-submitted on July 8, 2005, in order to extend the review period for this project. **There are no changes to the project proposal.**

Interested parties are hereby notified that the following applications have been received for a water quality certification in accordance with Section 401 of the Federal Clean Water Act, pursuant to the requirements of WAC 173-225. For projects in the 15 coastal counties, these applications will also be reviewed for coastal zone consistency in accordance with Section 306 of the Coastal Zone Management Act.

This public notice does not indicate that Ecology or other State agencies have agreed with the proposed projects. This notice is only intended to inform the public of proposed projects, and ask for comments by local, state and federal agencies and the public.

EVALUATION: The decision to issue, deny or condition the water quality certification (WQC) or concur with the applicant's Coastal Zone Management Act (CZMA) consistency statement, will be based on the following: for WQC, it is necessary for the proposed project to comply with the applicable provisions of the federal Clean Water Act and appropriate State aquatic protection requirements. For a project to be declared consistent under the CZMA program, it must be in compliance with State and Federal Clean Water and Air Acts, the Shoreline Management Act, the State Environmental Policy Act, and other applicable federal and state regulations.

COMMENT AND REVIEW PERIOD: Ecology is soliciting comments from the public, State, and local agencies and officials, and other interested parties in order to evaluate the impacts of the activity. Any comments received will be considered to determine whether to approve, condition, or deny a certification for the proposed work, and concur or object to the project's statement of consistency with the CZMA. **Comments should be sent to:**

Rebekah Padgett
Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452
e-mail rpadd461@ecy.wa.gov

The comment period will last 21 days, from July 22 to August 11, 2005.

If you have special accommodation needs or require this document in an alternative format, please call (425) 649-7000, 711 or 1-800-833-6388 (TTY).



July 22, 2005

The following application has been received for 401 certification and CZMA consistency determination:

PROJECT NAME: Leon Johnson et al.

PROJECT NUMBER: 200201251

APPLICANT: Leon Johnson, Owner and Representative of 9th Avenue Property Coalition
17010 9th Avenue SE
Mill Creek, WA 98012

CONTACT: William Shiels, Talasaea Consultants, LLC (425) 861-7550

ECOLOGY PROJECT REVIEWER: Rebekah Padgett (425) 649-7129

LOCATION: 17010 9th Avenue SE, 17120 9th Avenue SE, 17108 9th Avenue SE, 17226 9th Avenue SE, in Mill Creek; located in Section 7, T. 27 N., R. 5E. in Snohomish County, Washington.

WORK: Application has been made for water quality certification to authorize placement of fill in 0.6 acre wetland for construction of a setback levee, drain 4.7 acres of wetlands behind the levee (as a result of the levee), excavate 0.03 acre wetlands to widen a ditch, and enhance 5.9 acres of wetlands.

The proposed project is described in more detail in the Joint Aquatic Resources Permit Application originally submitted to the Department of Ecology on July 14, 2004; and Biological Evaluation, Properties on 9th Avenue SE, Mill Creek Washington, prepared by Talasaea Consultants, Inc., January 15, 2005.

PURPOSE: To provide flood protection to the subject properties.

APPEALS: If the water quality certification is issued, any person aggrieved may obtain review thereof by appeal. The applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Enforcement Section, PO Box 47600, Olympia WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.